

ZB# 02-43

Janet Puglia

39-5-3

#02-43 - Puglia, Janet

Area 39-5-3

Prelim.

July 8, 2002

→ 100% c.

Public Hearing:

Aug. 12, 2002.

Granted

Refund: 198.00

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Puglia, Janet

FILE# 02-43

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 50.00

*paid ck # 1788
7/22/02.*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

paid #1789

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 7/8/02-5 \$ 22.50
2ND PRELIMINARY- PER PAGE 8/12/02-2 \$ 9.00
3RD PRELIMINARY- PER PAGE \$
PUBLIC HEARING - PER PAGE \$
PUBLIC HEARING (CONT'D) PER PAGE \$
TOTAL \$ 31.50

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 7/8/02 \$ 35.00
2ND PRELIM. 8/12/02 \$ 35.00
3RD PRELIM. \$
PUBLIC HEARING \$
PUBLIC HEARING (CONT'D) \$
TOTAL \$ 70.00

MISC. CHARGES:

..... \$
TOTAL \$ 101.50

LESS ESCROW DEPOSIT \$ 300.00
(ADDL. CHARGES DUE) \$
REFUND DUE TO APPLICANT .. \$ 198.50

Date 9/11/02

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Janet Faglia DR.
5 Birchwood Dr., New Windsor, N.Y. 12553

DATE _____

Z.B. A.

CLAIMED

ALLOWED

[illegible]

Kristen Ehrens & Janet Puglia
5 Birchwood Dr. 914-569-9838
New Windsor, NY 12553

50-235**623**
219


1788

July 22, 2002

Pay to the order of Inn of New Windsor

\$ 50.00

fifty dollars, $\frac{10}{100}$

Dollars  Security feature included
Options on back

THE BANK OF NEW YORK
353 WINDSOR HIGHWAY
NEW WINDSOR, NY 12553

Dollars  Security features indicated
 Ovals on back.

Beautiful Things Happen

Fr. ZBA #02-43

411 1788

0219023521: 6801866334 1788

Entrepreneur Family Trust

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

**RECEIPT
#661-2002**

07/22/2002

Ouglia, Kristen Ehrens & Janet [#]02-43

**Received \$ 50.00 for Zoning Board Fees on 07/22/2002. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**

CURRENT INC. - TO REORDER 1-800-264-2344 - Please Call Beforehand

Kristen Ehrens & Janet Puglia
5 Birchwood Dr. 914-569-9838
New Windsor, NY 12553

50-235623
219

1789

July 22, 2002

Pay to the order of Inn of New Windsor

\$ 300.00

Three hundred dollars & no/100

Dollars
Follow Your Heart

THE BANK OF NEW YORK
353 WINDSOR HIGHWAY
NEW WINDSOR, NY 12553

for ZBA #02-43

Janet Puglia

⑆021902352⑆ ⑈6801866334⑈ 1789

©Wecon Family Trust

-----X
In the Matter of the Application of

JANET PUGLIA

MEMORANDUM
OF DECISION
GRANTING
VARIANCES

#02-43.
-----X

WHEREAS, JANET PUGLIA, 5 Birchwood Drive, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 5 ft. side yard and 7 ft. rear yard variance for construction of an attached pool deck at the above single-family residence in an R-4 zone; and

WHEREAS, a public hearing was held on the 12th day of August, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property located in a neighborhood of residential properties.

(b) The proposed attached pool deck around an existing above-ground pool will not create any drainage problems or cause the ponding or collection of water.

(c) Since the existing above-ground pool is located adjacent to a hill, it is feasible that others in the neighborhood could jump from the hill into the pool. The attached pool deck will be constructed in such a way so that an incident of this type may be avoided.

(d) The proposed attached pool deck will be similar to other decks in the neighborhood.

(e) The proposed attached pool deck will not be built on top of any water or sewer easements.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant that can produce the benefits sought.

3. The variances requested are substantial in relation to the Town regulations, but nevertheless are warranted.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The interests of justice will be served by allowing the granting of the requested area variances.

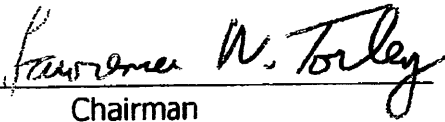
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 5 ft. side yard and 7 ft. rear yard variance for construction of an attached pool deck around an above-ground pool, at the above residence, in an R-4 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: October 28, 2002.


Chairman

7/24/02

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO DR.

DATE		CLAIMED	ALLOWED
7/8/02	Zoning Board Mtg	75	00
	Misc - 2		
	Phon - 3		
	Levano - 3		
	Puglia - 5		
	22.50.		
	Weissman - 5		
	Billik - 4	99	00
	<u>22</u>	<u>174</u>	<u>00</u>

PUGLIA, JANET

Ms. Janet Puglia appeared before the board for this proposal.

MR. TORLEY: Request for 5 ft. side yard and 7 ft. rear yard variances for proposed attached pool deck at 5 Birchwood Drive in an R-4 zone. Were the deck not attached to the house, it wouldn't require a variance, is that the case?

MR. BABCOCK: That's correct.

MRS. PUGLIA: I have the plans to the house previous and I did have a wood deck there already, I want to replace that deck, would that make a difference?

MR. TORLEY: Not really, unless it's really a deck that was put on before 1970 or something.

MRS. PUGLIA: It was, the house was built in 1963.

MR. TORLEY: Deck was put on at the same time?

MRS. PUGLIA: I have no idea when they put the deck on.

MR. KANE: You would have to prove that the deck was there, a C.O. or a permit on the deck.

MR. TORLEY: Or some plans or pictures showing the deck was there before 1966 so you're better off doing this.

MRS. PUGLIA: What else do I have to do?

MR. KREIGER: You have to go through the same process, call it an interpretation.

MR. TORLEY: Same place, you wouldn't gain anything.

MR. KANE: The reason you're putting the deck around the pool?

MRS. PUGLIA: I just want a deck on the pool.

MR. KANE: Safety issues? You have to give us some

reasons, you can't just come in and say I want to do it.

MR. TORLEY: This is an area variance which means you have to balance the benefit to you of having what you want versus the detriment if any to your neighbors or just the fact that you're trying to go against the code.

MRS. PUGLIA: Right now, it's a safety issue because there's land there that's close to the pool, maybe a foot, foot and a half.

MR. KANE: It would make the pool a little bit more secure?

MRS. PUGLIA: Ah-huh.

MR. TORLEY: By attaching it to your house, again, it makes the whole approach to and from the pool safer?

MRS. PUGLIA: I have to because I dug into the hill, people can still right now jump from the hill into the pool.

MR. KANE: You don't have a 4 foot distance from the hill to the pool wall?

MRS. PUGLIA: No.

MR. KANE: Which you need to have by law.

MRS. PUGLIA: Right. How far away does the deck need to be from the house in order for it not to be attached?

MR. BABCOCK: You have to go down off a deck.

MR. KANE: You have to have a separate egress and up another set of stairs on to the other deck, they can't be connected in any way. So you'd come down off the existing deck from the house, down a couple steps on to the grass, up another set of stairs.

MRS. PUGLIA: The pool is only ten foot from the house,

I can't have the set of stairs going from there?

MR. TORLEY: That becomes the practical difficulty you have with meeting the code and that's part of the reason you're asking for the variance that you physically couldn't do it.

MRS. PUGLIA: Okay.

MR. TORLEY: And it would be economically infeasible to move the pool, no place else to put it? People don't move pools.

MRS. PUGLIA: No, you can't move the pool. I can't build any part of the deck right now?

MR. TORLEY: Not if it touches the house. Mike, she can--

MRS. PUGLIA: Can I put any part of the decking on? I need the decking on before July 20.

MR. TORLEY: As long as it doesn't touch the house.

MRS. PUGLIA: Can I put it out towards the driveway?

MR. TORLEY: Technically, you can't.

MR. BABCOCK: You can't get a building permit, you can't get an inspection.

MRS. PUGLIA: Can't you give me a permit for half the deck? If somebody brought in, I know that he put in another set of plans, but if I put the deck on the side, just built half the deck?

MR. TORLEY: I'm sure Mike would permit you to take whatever steps are necessary to secure the pool so that it met safety requirements before you finish the deck up to the point that it met the house.

MRS. PUGLIA: Can I have that picture?

MR. TORLEY: I'll entertain a motion regarding the public hearing on this matter.

MR. KANE: I move we set up Janet Puglia for a public hearing on her requested variances at 5 Birchwood drive.

MR. RIVERA: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. RIVERA	AYE
MR. TORLEY	AYE

MR. BABCOCK: If you look at the diagram that she has there, there's a little wing, if you're facing standing on Birchwood.

MR. TORLEY: Not attached to the house so it's just a---

MR. BABCOCK: That's correct, actually, that wouldn't require, that's not what's required for the variance, it's the other part because it's attached.

MR. KANE: Then that becomes a matter between the applicant and the building department.

MR. TORLEY: This piece of the deck is between you and Mike and the building department.

MR. BABCOCK: We'll take care of that.

MRS. PUGLIA: Are you there tomorrow?

MR. BABCOCK: Yes.

MRS. PUGLIA: You're at where?

MR. BABCOCK: In this building at the other end.

MRS. PUGLIA: You'll allow me to put the deck on tomorrow morning?

MR. BABCOCK: Not tomorrow morning, we'll call you.

July 8, 2002

12

MRS. PUGLIA: Tomorrow?

MR. BABCOCK: You have to give me a couple days.

MR. TORLEY: I'm sure you can work it out.

Date 9/9/02

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh N.Y. 12550

DATE			CLAIMED	ALLOWED
12/02		Zoning board Mtg	75 00	
		Mrs. - 2		
		Sturt - 1		
		Lebron - 1		
		Raden - 1		
		GMH - 8		
		Hiley - 3		
		Thom - 4		
		Lovans - 3		
		Puglio - 2	112 50	
		25 9.00		
			187 50	

PUGLIA, JANET

MR. KANE: Request for 5 ft. side yard and 7 ft. rear yard variances for proposed attached pool deck at 5 Birchwood Drive in an R-5 zone.

Ms. Janet Puglia appeared before the board for this proposal.

MR. KANE: You're on, Janet.

MS. PUGLIA: And a deck for safety reasons.

MR. KANE: For your swimming pool?

MS. PUGLIA: Yes, this is the deck and we put up half of it, this is what the deck will be on the side, see the ledge.

MR. KANE: As we talked, this deck is not going to be connected to the other deck, you're going to have a walk down or trying to remember this?

MS. PUGLIA: It's all one deck.

MR. KANE: Michael, the variances are correct for all one deck?

MR. BABCOCK: Yes, that's the reason because it's, we considered it attached, yes.

MR. REIS: Is this an above-ground pool?

MS. PUGLIA: Yes.

MR. KANE: She had permission to build the one portion of the deck. In the building of the decks, are you going to be creating any water hazards or runoff?

MS. PUGLIA: No.

MR. KANE: Cutting down of any trees or vegetation?

MS. PUGLIA: No.

MR. KANE: Deck in similar size to other decks in the neighborhood?

MS. PUGLIA: Yes.

MR. KANE: Again, you really want the deck as a safety issue for the pool, too?

MS. PUGLIA: Right.

MR. KANE: Any questions, gentlemen? We'll open it up to the public. Public has nothing to say. We'll close it to the public. Gentlemen?

MR. RIVERA: Accept a motion?

MR. KANE: Yes, I will. One thing for the record, I'm not used to this job so you'll have to bear with me, we sent out 78 addressed envelopes, no returns, nobody in the public.

MR. REIS: Make a motion that we pass the requested variance for Janet Puglia at 5 Birchwood Drive.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 6/27/02

**APPLICANT: Janet Puglia
5 Birchwood Drive
New Windsor, NY 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Proposed attached pool deck

LOCATED AT: 5 Birchwood Drive

ZONE: R-4 Sec/Blk/ Lot: 39-5-3

DESCRIPTION OF EXISTING SITE:

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Proposed attached pool deck will not meet minimum rear yard set-back of 40ft and the side yard set-back of 15ft.

COPY


BUILDING INSPECTOR

PERMITTED Rear 40ft
Side 15ft

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: 8-G, 8-F

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

10ft

5ft

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

33ft

7ft

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

22
14
88.
22
25

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway pond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

RECEIVED

JUN 20 2002

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: 2002-671

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Janet Puglia

Address 5 Birchwood dr. Phone # 569-9838

Mailing Address New Windsor Fax # _____

Name of Architect _____ 6/2/02

Address _____ Phone _____

Name of Contractor M.D. WILLIAMS Contracting call

Address 44 Kings Hill Rd. WALDEN Phone 914-213-0308
State whether applicant is owner, lessee, agent, architect, engineer or builder Builder hm - 566-8012
If applicant is a corporation, signature of duly authorized officer. [Signature] - owner
(Name and title of corporate officer)

1. On what street is property located? On the _____ side of _____
(N, S, E or W)
and _____ feet from the intersection of _____
2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____
3. Tax Map Description: Section 39 Block 5 Lot 3
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy _____ b. Intended use and occupancy _____
5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☒ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other
6. Is this a corner lot? NO
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories 7
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

Estimated cost _____

Fees \$50.00

CH# 1764

PAID

_____/_____/_____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.


(Signature of Applicant)

5 BIRCHWOOD DR. NEW WINDSOR NY 12553

(Address of Applicant)


(Owner's Signature)

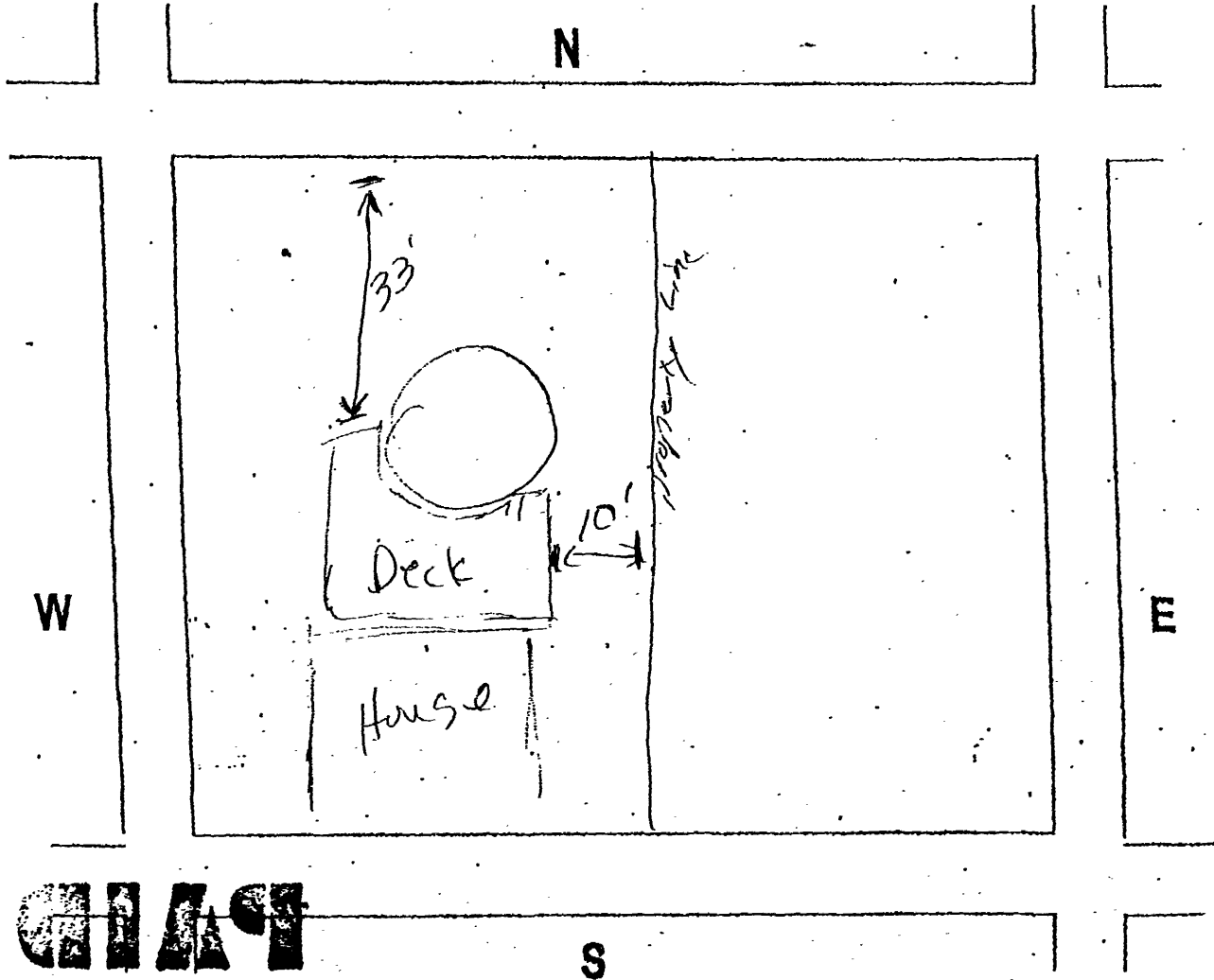
5 BIRCHWOOD DR NEW WINDSOR NY

PLOT PLAN

(Owner's Address)

12553

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

-----X
In the Matter of the Application for Variance of

Janet Puglia

02-43

AFFIDAVIT OF
SERVICE
BY MAIL

-----X
STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

Michele Babcock, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside in New Windsor, Orange County, N. Y.

That on the 24th day of July, 2002, I compared the 78 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then caused the envelopes to be deposited in a U.S. Depository within the Town of New Windsor.

Michele Babcock

Sworn to before me this

24th day of July, 2002.

Patricia A. Corsetti
Notary Public

PATRICIA A. CORSETTI
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 2005.



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

July 19, 2002

78

Janet Puglia
5 Birchwood Drive
New Windsor, NY 12553

RE: 39-5-3

Dear Ms. Puglia:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$95.00, minus your deposit of \$25.00.

Please remit the balance of \$70.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook
Sole Assessor

LC/srr
Attachments

CC: Pat Corsetti, ZBA

39-3-4
Joseph Gatt
6 Cresthaven Drive
New Windsor, NY 12553

39-3-24
Sisto & Lena Salbucci
13 Valewood Drive
New Windsor, NY 12553

39-4-4
Rosemary Coyle
6 Valewood Drive
New Windsor, NY 12553

39-3-5
Carlos & Virgenmina Gomez
8 Cresthaven Drive
New Windsor, NY 12553

39-3-25
Kenneth & Rosalie Parker
11 Valewood Drive
New Windsor, NY 12553

39-4-5
Louis & Marion Randall
8 Valewood Drive
New Windsor, NY 12553

39-3-6
Joseph & Lynne Palermo
10 Cresthaven Drive
New Windsor, NY 12553

39-3-26
Dawn Olszewski
9 Valewood Drive
New Windsor, NY 12553

39-4-6
Phyllis Scherf
10 Valewood Drive
New Windsor, NY 12553

39-3-7
Robert & Janet Mascitelli
12 Cresthaven Drive
New Windsor, NY 12553

39-3-27
James & Donna Pullar
7 Valewood Drive
New Windsor, NY 12553

39-4-7
Richard & Angela Coltery
12 Valewood Drive
New Windsor, NY 12553

39-3-8
John Sr. Bennett & Candace Rist
14 Cresthaven Drive
New Windsor, NY 12553

39-3-28
Robert & Therese Zupitza
5 Valewood Drive
New Windsor, NY 12553

39-4-8
Michael & Janice Suchowiecki
14 Valewood Drive
New Windsor, NY 12553

39-3-9
Geo & Gladys Brooks
16 Cresthaven Drive
New Windsor, NY 12553

39-3-29
Thomas & Elena Sears
3 Valewood Drive
New Windsor, NY 12553

39-4-9
Dennis & Karin Guiney
16 Valewood Drive
New Windsor, NY 12553

39-3-10
Harry & Doris Bonnett
18 Cresthaven Drive
New Windsor, NY 12553

39-3-30
William Post
1 Valewood Drive
New Windsor, NY 12553

39-4-10
Joseph & Juliana Guiney
18 Valewood Drive
New Windsor, NY 12553

39-3-21
Edwin Jr. & Janet Rodriguez
19 Valewood Drive
New Windsor, NY 12553

39-4-1
Harold & Karole Green
32 Harth Drive
New Windsor, NY 12553

39-4-11
Edward & Robin Klouda
20 Valewood Drive
New Windsor, NY 12553

39-3-22
Salvatore Vecchio
17 Valewood Drive
New Windsor, NY 12553

39-4-2
Carl & Elizabeth Seagren
2 Valewood Drive
New Windsor, NY 12553

39-4-22
Steven & Teresita Pearce
22 Birchwood Drive
New Windsor, NY 12553

39-3-23
William & Eleanora Hightower
15 Valewood Drive
New Windsor, NY 12553

39-4-3
Roy & Dolores Dewitt
4 Valewood Drive
New Windsor, NY 12553

39-4-23
Charles & Ann Rhodes
20 Birchwood Drive
New Windsor, NY 12553

39-4-24
Marlene Babicz
18 Birchwood Drive
New Windsor, NY 12553

39-4-25
Warren Tavetian
16 Birchwood Drive
New Windsor, NY 12553

39-4-26
Matthew Satenberg & Jacqueline Betz
14 Birchwood Drive
New Windsor, NY 12553

39-4-27
Henry & Mary Puglisi
12 Birchwood Drive
New Windsor, NY 12553

39-4-28
Dennis & Virginia Monahan
10 Birchwood Drive
New Windsor, NY 12553

39-4-29
Roy & Lucille Coleman
8 Birchwood Drive
New Windsor, NY 12553

39-4-30
John & Eunice Mc Kee
6 Birchwood Drive
New Windsor, NY 12553

39-4-31
Eleanor Harris
4 Birchwood Drive
New Windsor, NY 12553

39-4-32
Harriet O'Dell
2 Birchwood Drive
New Windsor, NY 12553

39-4-33
Arlene Swint
1 Hudson Drive
New Windsor, NY 12553

39-4-34 39-5-7
Harry & Audrey Tompkins III
26 Harth Drive
New Windsor, NY 12553

39-4-35
James DeZago
28 Harth Drive
New Windsor, NY 12553

39-4-36
Carl & Hazel Pavlik
30 Harth Drive
New Windsor, NY 12553

39-5-1
Eric & Celine Maxwell
1 Birchwood Drive
New Windsor, NY 12553

39-5-2
Lois Burt
3 Birchwood Drive
New Windsor, NY 12553

39-5-4
Aydogan & Nazire Fuat
7 Birchwood Drive
New Windsor, NY 12553

39-5-5
Patrick & Teresa Boelens
9 Birchwood Drive
New Windsor, NY 12553

39-5-6
Rose Spart
11 Birchwood Drive
New Windsor, NY 12553

39-5-7
Harry & Patricia Tompkins III
13 Birchwood Drive
New Windsor, NY 12553

39-5-8
William & Lynn Corti
15 Birchwood Drive
New Windsor, NY 12553

39-5-9
Daniel & Diane Loughran
17 Birchwood Drive
New Windsor, NY 12553

39-5-23
Stephanie Wajda
19 Leslie Avenue
New Windsor, NY 12553

39-5-24
John & Gina Mahoney
17 Hudson Drive
New Windsor, NY 12553

39-5-25
Linda & Robert Thompson
15 Hudson Drive
New Windsor, NY 12553

39-5-26
Brian & Angela Maxwell
13 Hudson Drive
New Windsor, NY 12553

39-5-27
Michael & Frances Maxwell
11 Hudson Drive
New Windsor, NY 12553

39-5-28
Robert & Rhoda Smith
9 Hudson Drive
New Windsor, NY 12553

39-5-29
Vincent Pacella
7 Hudson Drive
New Windsor, NY 12553

39-5-30
Manuel & Diana De Sousa
5 Hudson Drive
New Windsor, NY 12553

39-5-31
Raymond & Janet Sullivan
3 Hudson Drive
New Windsor, NY 12553

43-1-12
Robert Crosby Jr. & Alissa Werner
24 Harth Drive
New Windsor, NY 12553

43-1-22
Elton & Estelle Stanford
20 Hudson Drive
New Windsor, NY 12553

43-1-13
Norma Jean Patterson &
Edward Rotondi Jr.
2 Hudson Drive
New Windsor, NY 12553

43-1-23
Kenneth & Virginia Urban
22 Hudson Drive
New Windsor, NY 12553

43-1-14
Timothy & Donna Conklin
4 Hudson Drive
New Windsor, NY 12553

43-1-24
Floyd Jr. & Marie Skakel
27 St. Anne Drive
New Windsor, NY 12553

43-1-15
Elizabeth Ocskay & Mary Irvine
6 Hudson Drive
New Windsor, NY 12553

43-1-51 43-1-52
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

43-1-16
Mark & Diane Wentzel
8 Hudson Drive
New Windsor, NY 12553

43-1-59
Paul & Cheryl Ciaccio
4 Chimney Corner Road
New Windsor, NY 12553

43-1-17
Charles Jr. & Linda Baranski
10 Hudson Drive
New Windsor, NY 12553

43-1-60
Cynthia, Karen, Jennifer & Erika Butler
6 Chimney Corner Road
New Windsor, NY 12553

43-1-18
Elizabeth LaGoy
12 Hudson Drive
New Windsor, NY 12553

43-1-61
Everette & Peatrice Henry
5 Chimney Corner Road
New Windsor, NY 12553

43-1-19
David & Debra Albrecht
14 Hudson Drive
New Windsor, NY 12553

43-1-62
Martha Leonard
3 Chimney Corner Road
New Windsor, NY 12553

43-1-20
Joseph Rella
16 Hudson Drive
New Windsor, NY 12553

43-1-21
Ellen Lagasse
18 Hudson Drive
New Windsor, NY 12553

Pls. publish immediately. Send bill to Applicant.

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 43

Request of Janet Pugliese

for a VARIANCE of the Zoning Local Law to Permit:

proposed attached pool deck, w/ less than the
allowable side & rear yards;

being a VARIANCE of Section 48-12-Table of Use/Bulk Regs., Cols. F & G.

for property situated as follows:

5 Birchwood Drive, New Windsor, N.Y.

known and designated as tax map Section 39, Blk. 5 Lot 3

PUBLIC HEARING will take place on the 12th day of August,
2002 at the New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York beginning at 7:30 o'clock P.M.

Lawrence Torley
Chairman

By: Patricia A. Corsetti, Secy.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

02-43
Date: 7-22-02

I. Applicant Information:

- (a) Janet Puglia 5 Birchwood Dr. New Windsor NY 12553
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect/surveyor)

II. Application type:

☐ Use Variance
☒ Area Variance

☐ Sign Variance
☐ Interpretation

✓ III. Property Information:

- (a) R-4 5 Birchwood Dr. New Windsor NY 39-5-3 90 x 125
(Zone) (Address of Property in Question) (S-B-L) (Lot size)
- (b) What other zones lie within 500 feet? none
- (c) Is pending sale or lease subject to ZBA approval of this Application? NO
- (d) When was property purchased by present owner? YES
- (e) Has property been subdivided previously? no
- (f) Has property been subject of variance previously? no. If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? no

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law,
Section _____, Table of _____ Regs., Col. _____.

(Describe proposal) _____

(b) The legal standard for a "Use" Variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

✓ V. Area Variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 34, Table of use bulk regulations Regs., Col. side 2 var yd. F, G
48-12-Table of →

	Permitted	Proposed or Available	Variance Request
Min. Lot Area	_____	_____	_____
Min. Lot Width	_____	_____	_____
Reqd. Front Yd.	_____	_____	_____
Reqd. Side Yd.	<u>15 ft.</u>	<u>10 ft.</u>	<u>5 ft.</u>
Reqd. Rear Yd.	<u>40 ft.</u>	<u>33 ft.</u>	<u>7 ft.</u>
Reqd. Street Frontage*	_____	_____	_____
Max. Bldg. Hgt.	_____	_____	_____
Min. Floor Area*	_____	_____	_____
Dev. Coverage*	_____	_____	_____
Floor Area Ratio**	_____	_____	_____
Parking Area	_____	_____	_____

* Residential Districts only

** Non-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe

why you believe the ZBA should grant your application for an area variance: *For safety, there is a ledge 2 ft. from the pool which the deck would cover this area and with only 1 access with a gate to get into pool area.*

VI. Sign Variance: *N/A.*

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1	_____	_____	_____
Sign #2	_____	_____	_____
Sign #3	_____	_____	_____
Sign #4	_____	_____	_____

- (b) Describe in detail the sign (s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and free-standing signs? _____.

VII. Interpretation. *N/A.*

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____.

- (b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

It will be safer because the ledge near the pool will be covered by a deck - the quality of the deck is guaranteed being made by an experienced carpenter. A cedar deck will be much more appealing than a dirt ledge.

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Inspector or Planning Board.
- ☒ Copy of tax map showing adjacent properties.
- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☒ Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: 7/22/02

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.


(Applicant)

Sworn to before me this

22nd day of July, 2002.

XI. ZBA Action:

Patricia A. Corsetti
Corsetti

PATRICIA A. CORSETTI
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County

Commission Expires August 31, 2 005.

(a) Public Hearing date: _____